

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Qian Williams,	:	
	:	Case No. 1:22-cv-613
Petitioner,	:	
	:	Judge Susan J. Dlott
v.	:	
	:	Order Adopting Report and
Drug Enforcement Agency,	:	Recommendation and Dismissing Case
	:	Without Prejudice
Respondent.	:	

This matter is before the Court on the Report and Recommendation entered by Magistrate Judge Karen L. Litkovitz on January 17, 2023. (Doc. 8.) The Magistrate Judge recommends dismissing this case for want of prosecution because Petitioner has failed to pay the filing fee and failed to file the appropriate *in forma pauperis* application.

Title 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure Rule 72(b)(1) authorize magistrate judges to make recommendations concerning dispositive motions that have been referred to them. Parties then have fourteen days to make file and serve specific written objections to the report and recommendations. 18 U.S.C. 636(b)(1); Fed. R. Civ. P. 72(b)(2). If a party files objections to a report and recommendation on a dispositive matter, a district judge must review it under the *de novo* standard. *Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003). When no objections are filed, “[t]here is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review [the] magistrate’s report.” *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also Weir v. Centurion*, No. 3:19-CV-00131, 2021 WL 5165930, at *1 (M.D. Tenn. Nov. 5, 2021) (“The district court is not required to review, under a *de novo* or any other standard, those aspects of the report and recommendation to which no objection is made.”). Nonetheless, some district courts follow the Advisory Committee Notes to

Rule 72(b) and review the report and recommendation for clear error. *See e.g., Roane v. Warden of Corr. Reception Ctr.*, No. 2:22-CV-2768, 2022 WL 16535903, at *1 (S.D. Ohio Oct. 28, 2022); *Lassiter v. Dullaghan*, No. 1:10-CV-010, 2011 WL 110259, at *1 (S.D. Ohio Jan. 13, 2011). “The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1) (substantially similar).

Petitioner here did not file objections to the Report and Recommendation. The Court finds no clear error and agrees with the well-reasoned Report and Recommendation. For this reason, the Report and Recommendation (Doc. 8) is **ADOPTED** and the case is **DISMISSED WITHOUT PREJUDICE**. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order would not be taken in good faith.

IT IS SO ORDERED.

BY THE COURT:



Susan J. Dlott
United States District Judge